

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 04-10031-WGY
	)	
JAMES E. REID	)	

ASSENTED-TO MOTION TO RESCHEDULE DEPOSITIONS AND TRIAL

Counsel for the defendant, James Reid, respectfully moves to reset the deposition schedule established by the Court in this matter and requests a status hearing within forty-five days to apprise the Court of the defendant's medical status. Counsel represents that she has spoken with Mr. Reid's primary care physician, Dr. Mohammed Khan, of Kitchener, Ontario.<sup>1</sup> Counsel informed Dr. Khan that it would be necessary for Mr. Reid to travel at some point from his home in Waterloo, Ontario to Montreal, Quebec in order to attend depositions and asked Dr. Khan when Mr. Reid would be fit to make such travel. Dr. Khan stated that Mr. Reid is not fit to make any long-distance travel for at least three months; this includes travel by air to either Montreal for depositions or to Boston for trial. He further stated that three months before traveling was a minimum time frame, and his preference from a medical standpoint would be for Reid not to travel long distance for another six months.

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<sup>1</sup> Counsel spoke with Dr. Khan on April 6, 2006.

Dr. Khan stated that although Mr. Reid is doing well medically and that his bypass operation was successful, Mr. Reid's heart is weak and that he has poor exercise tolerance. He said that during a stress test Reid was able to walk for only five or six minutes on a treadmill before test data indicated stress.<sup>2</sup> Reid is in a cardiac rehabilitation program.

In light of the foregoing, counsel request that depositions be reset to July 2006 at the earliest, that the trial date of July 10, 2006 be vacated, and that the parties convene for a status conference within forty-five days to schedule a trial date that will allow Mr. Reid to recuperate adequately before trial without risking his health. Assistant U.S. Attorney Victor Wild assents to the above requests.

The parties further move this court for an order excluding the time from April 10, 2006 until the status conference for purposes of the Speedy Trial Act as being in the interest of justice.

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<sup>2</sup> Dr. Khan consulted with Mr. Reid's cardiologist, Dr. Ronald Fowlis of Kitchener in reaching these opinions.

Respectfully submitted,

By his attorney

/s/ Syrie D. Fried  
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CERTIFICATE OF SERVICE

I Syrie D. Fried do hereby certify that the foregoing motion has been electronically filed via the electronic case filing system ("ECF"), and will be electronically served to all parties identified to receive service in the Notice of Electronic Filing ("NEF").

/s/ Syrie D. Fried